

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION  
CRIMINAL MINUTES – SENTENCING HEARING**

**Case No.: 3:24cr9**

**Date: 10/21/2024**

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**Defendant: Davey Johnathan Sisk, custody**

**Counsel: Andrea Harris, FPD**

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**PRESENT:**

Judge:	Robert S. Ballou
Deputy Clerk:	Kelly Brown
Court Reporter:	Lisa Blair
U. S. Attorney:	Sally Sullivan
USPO:	Jasmine Davis
Case Agent:	Joe Moloney, HSI

**TIME IN COURT:** 1:23-3:39, 2hrs 16 min

**LIST OF WITNESSES**

**GOVERNMENT:**

1. Joe Moloney, HSI, sworn

**DEFENDANT:**

1.

**PROCEEDINGS:**

- ☒ Court inquires as to Objection(s) to Presentence Report made by ☒ USA ☐ Deft.  
Deft presents argument regarding enhancements. Gov presents argument.  
☒ Court overrules Objection(s). ☐ Court grants Objection(s).
- ☒ Government presents evidence. Joe Moloney, HSI, sworn. Gov Exhibits 1-5 (videos/pictures provided on a DVD to the Court), to be held under seal, Deft objects to Exhibit 5. Gov moves to admit Exhibits B and C, filed with their sentencing memorandum. Gov moves to admit Exhibit 5 (on DVD). Deft states objections. Gov rebuttal. Court sustains objection to Exhibit 5, and it will not be admitted. Cross. Rest.
- ☒ Argument.
- ☒ Court adopts Presentence Report.
- ☒ Court accepts Plea Agreement.
- ☒ Defendant Motion for Variance.  
☐ Court grants. ☒ Court denies.
- ☒ Allocutions.

**SENTENCE IMPOSED AS FOLLOWS:**

CBOP: Ct. 3, 210 months; Ct 7, 210 months; Ct 8, 60 months –all sentences to run consecutively for a total of 480 months of incarceration.

SR: LIFE - comply w/Standard, Mandatory & Special Conditions, and Sex Offender conditions.  
☐ Mandatory drug testing suspended.

SA: \$300.00 due immediately.

REST: \$TBD---hearing set for 12/12/2024 at 10am to determine restitution amounts

**COURT RECOMMENDS AS FOLLOWS:**

- ☒ That Defendant receive appropriate sex offender treatment and mental health treatment while imprisoned.
- ☒ That Defendant be designated to a facility designated for sex offenders and treatment and as close to his home as possible.

**MANDATORY CONDITIONS OF SUPERVISION:**

1. You must not commit another federal, state, or local crime.
2. If applicable, you must make restitution in accordance with sections 3663 and 3663A, or any other statute authorizing a sentence of restitution.
3. You must not unlawfully possess a controlled substance.
4. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. If applicable, this drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse.
5. You must cooperate in the collection of DNA as directed by the probation officer.
6. If applicable, you must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense.
7. If applicable, you must participate in an approved program for domestic violence.

**STANDARD CONDITIONS OF SUPERVISION:**

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment unless the probation officer excuses you from doing so. If you do not have full-time employment, you must try to find full-time employment unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of the change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. You must follow the instructions of the probation officer related to the conditions of supervision.

**SPECIAL CONDITIONS OF SUPERVISION** (Check applicable conditions):

- ☒ Following release from imprisonment, the court will evaluate defendant's status and determine whether, after incarceration, drug rehabilitation and/or mental health treatment is necessary and appropriate. If additional rehabilitation is deemed appropriate, the defendant shall participate in a program as designated by the court, upon consultation with the probation officer, until such time as the defendant has satisfied all the requirements of the program.
- ☒ The defendant shall reside in a residence free of firearms, ammunition, destructive devices, and dangerous weapons.
- ☒ The defendant shall submit his or her person, property, house, residence, vehicle, papers, or office, to searches conducted by a United States probation officer. Failure to submit to searches may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct searches pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his or her supervision and that the areas to be searched contain evidence of this violation.
- ☒ You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense.

**PAYMENT SCHEDULE:**

- ☒ A lump sum payment of \$300.00 is due immediately, and during the term of imprisonment, payment in equal (weekly, monthly, quarterly) installments of \$\_\_\_\_\_ or \_\_\_\_\_% of the defendant's income, whichever is lesser, to commence \_\_\_\_ days after the date of this judgment; and payment in equal (weekly, monthly, quarterly) installments of \$\_\_\_\_\_ during the term of supervised release, to commence \_\_\_\_\_ days after release from imprisonment.

**ADDITIONAL RULINGS:**

- ☒ Defendant shall forfeit his interest in the property listed in the Order of Forfeiture entered on 6/17/2024 at DE 42.
- ☒ Order of Forfeiture shall be made a part of the judgment in this case.
- ☒ Count(s) 1, 2,4,5, and 6 dismissed on Government Motion.
- ☒ Defendant advised of right to appeal.
- ☒ Defendant remanded to custody.

**Additional Information:**

Parties present and represented by counsel.

Gov is not asking for any restitution in this case as none of the victims have requested it. Statutorily, restitution is required in this case. Gov requests that the court hold open a 60 day window to address any restitution requests. Deft states that restitution decision cannot be delayed by statute, and objects to the postponement of a restitution decision. Hearing on restitution set for 12/12/2024 at 10am

Sex Offender Conditions of SR as stated on the record.